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10 *Attorneys for Defendant*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 DONNA BROWER,

14 Plaintiff,

15 v.

16 McDONALD'S CORP., a Foreign
Corporation licensed to do business in
Nevada,

17 Defendant.
18

Case No. 2:19-cv-02099-GMN-BNW

**DEFENDANT'S MOTION TO EXTEND
TIME TO RESPOND TO PLAINTIFF'S
COMPLAINT**

(First Request)

19 Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), LR IA 6-1, and LR 7-2, Defendant
20 McDonald's Corp. ("Defendant"), through its undersigned attorneys, hereby moves the Court to
21 extend the time for Defendant to respond to Plaintiff's Complaint by twenty-one (21) days, from
22 December 13, 2019 up to and including January 3, 2020. Defendant bases this motion on the
23 pleadings and papers on file herein together with the following memorandum of points and

1 authorities. This is the first request by Defendant to extend time to respond to Plaintiff's
2 Complaint.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. BACKGROUND**

5 On November 1, 2019, Plaintiff Donna Brower ("Plaintiff") filed a Complaint against
6 Defendant in the Eighth Judicial District Court for Clark County, Nevada. On November 7, 2019,
7 Defendant's counsel received notice of Plaintiff's Complaint via e-mail correspondence from
8 Plaintiff's counsel. At Plaintiff's request pursuant to Nevada Rule of Civil Procedure 4.1,
9 Defendant timely waived service of a summons, which thereby afforded Defendant sixty days
10 after the request was sent to respond to Plaintiff's Complaint.

11 On December 6, 2019, Defendant timely removed this case. ECF No. 1. Prior to filing
12 the Notice of Removal, Defendant had not answered or otherwise responded to Plaintiff's
13 Complaint. Accordingly, Defendant's answer or first responsive pleading is due on December
14 13, 2019. *See* Fed. R. Civ. P. 81(c)(2) (requiring removing party to file an answer or first
15 responsive pleading either 21 days after receiving the complaint or summons, or 7 days after the
16 notice of removal was filed, whichever date is longest).

17 Defendant's counsel attempted to confer with Plaintiff's counsel, who could not be
18 reached by telephone and did not respond to Defendant's e-mail inquiry regarding the extension.
19 As a result, Defendant files the instant motion to extend time to respond to Plaintiff's Complaint.

20 **II. ARGUMENT**

21 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides: "When
22 an act may or must be done within a specified time, the court may, for good cause, extend the
23 time: (A) with or without motion or notice if the court acts, or if a request is made, before the

1 original time or its extension expires.” Here, additional time is necessary for Defendant and its
2 counsel to investigate the allegations in Plaintiff’s Complaint and to gather and consider
3 information related thereto. For these reasons and in good faith, Defendant respectfully requests
4 that the Court grant its motion for a twenty-one (21) day extension of time, up to and including
5 January 3, 2020 to respond to Plaintiff’s Complaint.

6 DATED: December 13, 2019.

Respectfully submitted,

7 /s/ Dustin L. Clark

Dustin L. Clark, Esq.

8 **IT IS SO ORDERED**

HOLLEY DRIGGS WALCH

FINE PUZEY STEIN & THOMPSON

9 **DATED:** 12/27/19

Stacey A. Campbell, Esq.

(Pro Hac Vice Motion to be Filed)

CAMPBELL LITIGATION, P.C.

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Attorneys for Defendant McDonald’s Corp.

12 **BRENDA WEKSLER**

13 **UNITED STATES MAGISTRATE JUDGE**

14 **CERTIFICATE OF SERVICE**

15 The undersigned certifies that on the date listed below, he filed the foregoing
16 **DEFENDANT’S MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF’S**
17 **COMPLAINT** via CM/ECF resulting in electronic service on Plaintiff’s counsel of record, Mary
18 F. Chapman, Esq.

19 DATED: December 13, 2019.

/s/ Dustin L. Clark

Dustin L. Clark